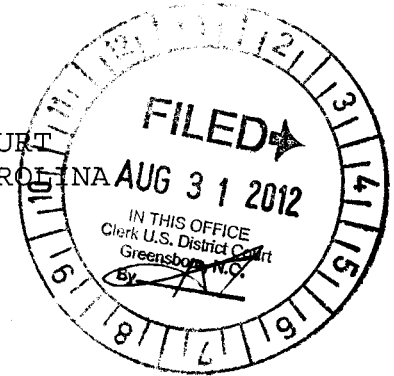


IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA



BRANDY TRUESDALE and
CHESTER DOWNEY,

Plaintiffs,

v.

NATIONWIDE AFFINITY INSURANCE
COMPANY OF AMERICA,

Defendant.

1:11CV467

ORDER

This matter is before this court for review of the Order and Recommendation of United States Magistrate Judge ("Report") filed on April 19, 2012, by the Magistrate Judge in accordance with 28 U.S.C. § 636(b) (Doc. 48). In the Report, the Magistrate Judge recommends that Defendant's Motion to Dismiss (Doc. 8) and Plaintiff's Motion for Partial Judgment on the Pleadings (Doc. 14) be denied without prejudice as moot in light of the pending settlement. The Report was served on the parties to this action on April 19, 2012. No objections have been filed to the Report.

This court is required to "make a de novo determination of those portions of the [Magistrate Judge's] report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1). In the absence of objections, this court

reviews the Report only for clear error. See Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005).

This court has appropriately reviewed the Report and finds that the Report should be adopted. This court therefore adopts the Report.

IT IS THEREFORE ORDERED that the Magistrate Judge's Report and recommendation (Doc. 48) is **ADOPTED**.

IT IS FURTHER ORDERED that Defendant's Motion to Dismiss (Doc. 8) and Plaintiff's Motion for Partial Judgment on the Pleadings (Doc. 14) are **DENIED WITHOUT PREJUDICE** as moot in light of the pending settlement.

This the 31 day of ^{August}~~May~~, 2012.

William L. Ostun, Jr.
United States District Judge